

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

CHARLES BUTLER, Individually and as
Assignees of TERRI LYNN MORRISON

Plaintiff,

vs.

PROGRESSIVE DIRECT INSURANCE
COMPANY AND DOES I - V, and ROE
CORPORATIONS I - V, inclusive,

Defendants.

Case No. 2:23-cv-00566

**JOINT DISCOVERY PLAN AND
SCHEDULING ORDER**

SUBMITTED IN COMPLIANCE
WITH LR 26-1(b)

Date of Conference: May 22, 2023

Time of Conference: 1:30 p.m.

A. Meeting. Pursuant to Fed. R.Civ.P. 26(f) and LR 26-1(a), a meeting was held on
March 22, 2023, and was attended by:

David Sampson, Esq. for the Plaintiff, CHARLES BUTLER.

Bill Pruitt, Esq. for the Defendants, PROGRESSIVE DIRECT INSURANCE
COMPANY.

B. Pre-Discovery Disclosures. The parties will make initial disclosures no later
than June 5, 2023, as required by Fed.R.Civ.P. 26(a).

C. Discovery Plan. The parties jointly propose to the Court the following
discovery plan:

1 1. Subjects of Discovery. Discovery will be needed on the following
2 subjects:

3 a. Whether PROGRESSIVE DIRECT INSURANCE COMPANY
4 breached the subject insurance policy(ies) and related issues tied to the policy.

5 b. Damages.

6 2. Discovery Cut-Off Date(s). Discovery will take 180 days, measured
7 from April 12, 2023, which is the date the first Defendant appeared in this matter, and means
8 all discovery must be completed by **October 9, 2023**. The Discovery dates are **SUBMITTED**
9 **IN COMPLIANCE WITH LR 26-1(b).**

10 3. Amending the Pleadings and Adding Parties: The last date for filing
11 motions to amend the pleading or to add parties shall not be later than 90 days prior to the close
12 of discovery. In this action the last date for filing motions to amend the pleadings or add parties
13 shall be **July 11, 2023**.

14 4. FRCP 26(a)(2) Disclosures (Experts): The last date for disclosure of
15 expert witnesses shall be 60 days before the discovery cut-off date. In this action, the last date
16 for disclosure of experts shall be **August 10, 2023**. Rebuttal expert disclosures shall be made
17 30 days after the initial disclosure of experts, i.e. on **September 10, 2023**.

18 5. Dispositive Motions: The last date for filing dispositive motions shall
19 not be later than 30 days after the discovery cut-off date. In this action, the last date for filing
20 dispositive motions will be **November 8, 2023**.

21 6. Pretrial Order: The joint pretrial order shall be filed no later than 30 days
22 after the date set for filing dispositive motions. In this action, the joint pretrial order shall be
23 filed on or before **December 9, 2023**. If dispositive motions are filed the deadline for filing the
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1 joint pretrial order will be suspended until 30 days after decision on the dispositive motions or
2 further court order.

3 7. FRCP 26(a)(3) Disclosures: The disclosures required by FRCP 26(a)(3)
4 and any objections to them must be included in the joint pretrial order, which shall be filed on
5 or before **December 9, 2023**.

6 8. The parties certify that they met and conferred about the possibility of
7 using alternative dispute-resolution processes including mediation, arbitration, and if
8 applicable, early neutral evaluation and did not come to an agreement at this time.

9 9. The parties do not consent to trial by a magistrate judge under 28 U.S.C.
10 § 636(c) and Fed. R. Civ. P. 73 or the use of the Short Trial Program (General Order 2013-01);

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10. The parties have discussed whether they intend to present evidence in electronic format to jurors for the purposes of jury deliberation. At this point we have not yet reached any stipulations on this topic. But Plaintiffs do not intend to present evidence in electronic format to jurors for the purposes of jury deliberations.

APPROVED AS TO FORM AND CONTENT.

LAW OFFICE OF DAVID SAMPSON, LLC

/s/ *David Sampson*

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IT IS SO ORDERED:


UNITED STATES MAGISTRATE JUDGE

DATED: 5/23/2023